

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re:	Robert R. Petrocelli	Confirmation No:	6133
Application No:	09/920,973	Group:	2166
Filed:	August 2, 2001	Examiner:	Hwang, Joon H.
For:	Method and Apparatus for Distributed Data Archiving		
Customer No.:	29127		
Attorney Docket No.	HEART-001XX (0102.1204US1)		

REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

In response to the pending Office Action, mailed December 8, 2006 (Paper No. 20061206), reconsideration is requested in view of the remarks set forth below.

A three-month extension is requested for this response.

Claims 1-7 and 9-46 are pending in this application.

Claims 1-7, 9-16, 32-35, 39, 42 and 44 were rejected under 35 U.S.C. 103(a) as being unpatentable over Sitka *et al.* (U.S. Patent No. 6,439,373) in view of Cooke, Jr., *et al.* (U.S. Patent 6,574,629) and further in view of DeClute *et al.* (U.S. Patent No. 5,053,948). In related rejections, claims 36-38 were rejected under 35 U.S.C. 103(a) as being unpatentable over Sitka *et al.* (U.S. Patent No. 6,439,373) in view of Cooke, Jr., *et al.* (U.S. Patent 6,574,629) and further in view of DeClute *et al.* (U.S. Patent No. 5,053,948) and further in view of Sacilotto, Jr. *et al.* (U.S. Patent No. 6,763,523); claims 17-26, 28, 29, 31, 40 and 45 were rejected under 35 U.S.C. 103(a) as being unpatentable over Sitka *et al.* (U.S. Patent No. 6,439,373) in view of DeClute *et al.* (U.S. Patent No.

5,053,948) and further in view of Sacilotto, Jr. *et al.* (U.S. Patent No. 6,763,523); claims 27 and 30 were rejected under 35 U.S.C. 103(a) as being unpatentable over Sitka *et al.* (US. Patent No. 6,439,373) in view of DeClute *et al.* (U.S. Patent No. 5,053,948) and further in view of Sacilotto, Jr. *et al.* (U.S. Patent No. 6,763,523) and further in view of Cooke, Jr., *et al.* (U.S. Patent No. 6,574,629); claim 41 was rejected under 35 U.S.C. 103(a) as being unpatentable over Sitka *et al.* (US. Patent No. 6,439,373) in view of DeClute *et al.* (U.S. Patent No. 5,053,948) and Sacilotto, Jr. *et al.* (U.S. Patent No. 6,763,523) and further in view of Blickenstaff, *et al.* (U.S. Patent No. 5,537,585); and Claim 43 was rejected under 35 U.S.C. 103(a) as being unpatentable over Sitka *et al.* (US. Patent No. 6,439,373) in view of Cooke, Jr., *et al.* (U.S. Patent No. 6,574,629) and further in view of DeClute *et al.* (U.S. Patent No. 5,053,948) and further in view of Blickenstaff, *et al.* (U.S. Patent No. 5,537,585).

These rejections are respectfully traversed for the following reasons.

The central dispute concerning the patentability of the pending claims concerns the relationship between the teachings of the cited Sitka Patent the following feature from claim 1, for example:

"a database file on said one of said [archival] storage media [*e.g.* DVD disk claim 2], wherein the database file recorded on the storage media contains information describing clinical procedures of the patient medical data stored on the storage media".

The pending Office Action argues that the Sitka Patent meets or suggests this claimed feature because:

history, financial and personal information (lines 8-17 in col. 8). Thus, Sitka teaches a database file recorded on the storage media (i.e., a single optical disk) contains information describing clinical procedures (i.e., medical history, financial and personal information, a patient's name, a physician's name, and/or a modality type) of the patient medical data (i.e., patient's medical data and/or image data) stored on the storage media. Therefore, the applicant's arguments are not persuasive.

It is respectfully asserted that the Sitka Patent does not teach storage of a database file on the archival storage medium, *i.e.*, optical disk, as claimed. Instead, the Sitka Patent teaches to store that the database on the archival server, not the archival medium or disk.

In more detail, the Sitka Patent certainly teaches to store groups of images from a single customer on a single archival optical disk. For example, from column 4 of the Sitka Patent:

device 180 and “long-term” storage device 190 by grouping customer images and information into a customer image group and maintaining the image group on a single storage 40 medium such as a single diskette, optical disk, or tape. As

However, the teachings of the Sitka Patent diverge on the subject of where the database describing the images on the disk is stored. Specifically, Sitka teaches that the database should be stored on the archival server. For example, also from column 4 of the Sitka Patent:

studies. Archive server 160 manages a database (not shown) in order to maintain information about each image group including a location of each image. The present invention also contemplates a two-tier storage hierarchy having short- 50 term storage device 170 and long-term storage device 190.

In a similar vein, when images are accessed from long-term disk storage, a database, not on those disks is accessed. For example, from column 6 of the Sitka Patent:

Referring to FIG. 5, administration module 200 begins execution of the image group retrieval subroutine at step 5 500, immediately proceeds to step 510 and accesses database 215 to read the location of the customer's image group.

.....

term storage device 170 and exits via step 580. If the test fails, administration module 200 proceeds to step 540 and test whether the customer's image group is located on a 20 long-term storage medium located within long-term storage device 190. If the test is satisfied, administration module 200 jumps to step 560 and moves the image group from the long-term storage medium within the long-term storage device 190 to a single short-term storage medium within 25 short-term storage device 170 and exits via step 580. A

In summary, while the system of the Sitka Patent does provide for a "database file.... describing clinical procedures of the patient medical data" of claim 1, for example, the Sitka database file is not "on said one of said [archival] storage media" as also required by the claim. Instead, the Sitka Patent only teaches to place the database file on its 'archival server'.

The placement of a database file on the archival storage media has advantages documented in the instant application:

[0031] By requiring each information group or the information for each patient to be entirely contained on one storage medium or DVD, it is possible to utilize the self-contained database file for independently accessing, viewing, and processing each DVD. This addresses a deficiency associated with conventional HSM based systems using DICOM-3, with which patient data often spans two media, such as two magnetic tape units. Each DVD may be exchanged between archive systems without secondary database transactions to fully describe a procedure or study. Also, standard clinical imaging stations may directly read the DVDs, allowing review of archived images outside of the archive system in which it was originally created. This is in contrast to prior art systems in which the contents of one storage mechanism such as a magnetic tape are meaningless outside the context of the archive in which it was created. In the event of failure of the primary archive system according to the present invention, information from the DVD may be retrieved on a different archive system, computer, or imaging station.

Application No.: 09/920,973
Amendment dated: June 8, 2007
Reply to Office Action of December 8, 2006
Attorney Docket No.: HEART-0001XX (0102.1204US1)

In summary, the claimed invention requires a database file on the archival medium, thereby allowing the DVD archival medium, for example, to be accessed on a different computer without a database transaction. Neither this feature nor its attendant advantages are found in the reference.

Thus, withdrawal of the pending rejections is requested.

Applicants believe that the present application is in condition for allowance. A Notice of Allowance is respectfully solicited. Should any questions arise, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

By grant houston/
J. Grant Houston
Registration No.: 35,900
Tel.: 781 863 9991
Fax: 781 863 9931

Lexington, Massachusetts 02421
Date: June 8, 2007